Reconsideration and allowance of the application are respectfully requested in light of the above amendment and the following remarks.

Claims 1-8 have been canceled in favor of new claims 9-11. Support for the subject matter of the new claims is provided at least in the original claims and the specification on page 10, line 21, through page 11, line 2, page 11, line 24, through page 13, line 4, page 15, lines 17-26, page 16, lines 16-20, page 19, lines 20-27, and page 21, line 14, through, page 22, line 18.

Claims 1, 4, and 7 were rejected, under 35 USC §103(a), as being unpatentable over Kim et al. (US 2002/0061764) in view of English (US 7,058,035). Claims 2, 3, 5, 6, and 8 were rejected, under 35 USC §103(a), as being unpatentable over Kim in view of English and Hamabe (US 2002/0115467). To the extent the rejections may be deemed applicable to new claims 9-11, the Applicant respectfully traverses based on the points set forth below.

Claim 9 recites setting a transmission power of a downlink second dedicated channel to which hard handover applies at a sum of the transmission power of a downlink first dedicated channel and an offset $\Delta P = \Sigma P_i / P_1$, where P_i is a reception power of a pilot channel at a communication terminal apparatus from each base station i to which the first dedicated channel is connected and P_1 is a

reception power of a pilot channel at the communication terminal apparatus from a base station to which the first dedicated channel and the second dedicated channel are connected, when the first dedicated channel to which soft handover applies is in a soft handover state. Thus, even when the first dedicated channel is in a soft handover state, it is possible to appropriately control the transmission power of the second dedicated channel.

The Office Action proposes that Kim and English suggest a wireless communication system having which a first channel to which soft handover applies and a second channel to which hard handover applies (see Office Action section 5, second paragraph). Additionally, the Office Action proposes that Kim and English suggest setting a transmission power of the second channel at a sum of the transmission power of the first channel and an offset (section 5, second paragraph).

However, Kim and English do not suggest an offset defined by $\Delta P = \Sigma Pi / P1$, as recited in claim 9, whereby Pi is a reception power of a pilot channel at a communication terminal apparatus from each base station i to which the first dedicated channel is connected and P1 is a reception power of a pilot channel at the communication terminal apparatus from the base station to which the first dedicated channel and the second dedicated channel are connected.
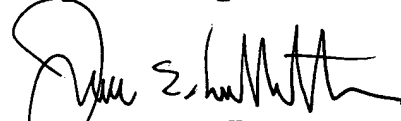
And Hamabe is not cited for supplementing the teachings of Kim and English in this regard.

Accordingly, Applicant submits that the applied references, considered individually or in combination, do not render obvious the subject matter defined by claim 9. Claim 11 similarly recites the above-mentioned feature distinguishing apparatus claim 9 from the applied references, although with respect to a method. Therefore, allowance of claims 9 and 11 and dependent claim 10 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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